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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MINGBO CAI, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

SWITCH, INC., ROB ROY, GABE NACHT,
ZAREH SARRAFIAN, DONALD SNYDER,
TOM THOMAS, BRYAN WOLF,
GOLDMAN SACHS & CO. LLC, J.P.
MORGAN SECURITIES LLC, BMO
CAPITAL MARKETS CORP., WELLS
FARGO SECURITIES, LLC, CITIGROUP
GLOBAL MARKETS INC., CREDIT
SUISSE SECURITIES, JEFFERIES LLC,
BTIG, LLC, RAYMOND JAMES &
ASSOCIATES, INC., STIFEL, NICHOLAUS
& COMPANY, INC., and WILLIAM BLAIR
& COMPANY, L.L.C.,

Defendants.

Case No. 2:18-cv-01471-JCM-VCF

**STIPULATION TO MODIFY
SCHEDULING ORDER REGARDING
CLASS CERTIFICATION BRIEFING**

(First Request)

1 Plaintiff Oscar Farach ("Plaintiff") and Defendants Switch, Inc., Rob Roy, Gabe Nacht,
 2 Zareh Sarrafian, Donald Snyder, Tom Thomas, and Bryan Wolf (collectively, the "Switch
 3 Defendants"), Defendants Goldman Sachs & Co. LLC, J.P. Morgan Securities LLC, BMO
 4 Capital Markets Corp., Wells Fargo Securities, LLC, Citigroup Global Markets Inc., Credit
 5 Suisse Securities (USA) LLC, Jefferies LLC, BTIG, LLC, Raymond James & Associates, Inc.,
 6 Stifel, Nicolaus & Company, Inc., and William Blair & Company, L.L.C. (collectively, the
 7 "Underwriter Defendants" and together with Switch Defendants, the "Defendants") (Plaintiff
 8 and Defendants, collectively the "Parties"), hereby stipulate and agree as follows:

9 WHEREAS, on February 14, 2020, Plaintiff filed a Motion for Class Certification and
 10 Appointment of Class Representatives and Class Counsel, which sought to appoint Farach as
 11 Lead Plaintiff and add additional proposed class representatives Christian Avera, Donald
 12 Powell, and Timothy Wylie as Class Representatives ("Motion for Class Certification") (ECF
 13 No. 115);

14 WHEREAS in connection with Plaintiff's Motion for Class Certification, on February
 15 14, 2020 and again on February 26, 2020, counsel for Plaintiff informed counsel for Defendants
 16 that, due to the proposed additions of new class representatives, Plaintiff would be amendable to
 17 moving the deadline for Defendants to oppose class certification;

18 WHEREAS, on March 19, 2020, Plaintiff's counsel acknowledged that the deadline for
 19 Defendants to oppose class certification would need to be extended due to the challenges with
 20 scheduling depositions as a result of the COVID-19 pandemic;

21 WHEREAS, on March 19, 2020, Plaintiff filed the Motion to (1) Withdraw Oscar
 22 Farach as Lead Plaintiff, and to Withdraw Farach and Christian Avera as Proposed Class
 23 Representatives; and (2) Appoint Proposed Class Representative Donald Powell as Lead
 24 Plaintiff and to Add Proposed Class Representative Timothy Wylie as Named Plaintiff
 25 ("Motion to Withdraw and Substitute Lead Plaintiff") (ECF No. 121);

26 WHEREAS, on March 26, 2020 Switch Defendants filed a Motion to Stay Discovery
 27 and Plaintiff's Motion for Class Certification and Motion to Withdraw and Substitute Lead
 28

1 Plaintiff Pending Resolution of the Motion for Judgment on the Pleadings (“Motion to Stay”)
2 (ECF No. 124);

3 WHEREAS, Defendants’ Opposition to Plaintiff’s Motion to Withdraw and Substitute
4 Lead Plaintiff is due on April 2, 2020 and Plaintiff’s Reply in Support of the Motion to
5 Withdraw and Substitute Lead Plaintiff is due on April 9, 2020;

6 WHEREAS, Plaintiff’s Opposition to the Motion to Stay is due on April 9, 2020 and the
7 Switch Defendants’ Reply in Support of the Motion to Stay is due on April 16, 2020;

8 WHEREAS, Defendants’ Opposition(s) to the Motion for Class Certification currently is
9 due to be filed on or before April 13, 2020, and Plaintiff’s Reply in Support of Motion for Class
10 Certification must be filed on or before May 27, 2020, as set forth in the Court’s Order on the
11 Joint Rule 26(f) Report (“Scheduling Order”) (ECF No. 98);

12 WHEREAS, Plaintiff’s Motion to Withdraw and Substitute Lead Plaintiff and Switch
13 Defendants’ Motion to Stay render any further briefing on the Motion for Class Certification
14 premature at the present time;

15 WHEREAS, the Parties are discussing the scheduling and scope of the discovery
16 necessary for Defendants to respond to the Motion for Class Certification, including depositions
17 of the proposed additional class representatives identified in the Motion to Withdraw and
18 Substitute Lead Plaintiff, which is dependent on the Court’s rulings on Plaintiff’s Motion to
19 Withdraw and Substitute Lead Plaintiff;

20 WHEREAS, this is the Parties’ first stipulation regarding the Motion for Class
21 Certification;

22 NOW, THEREFORE, for good cause shown, the Parties hereby stipulate that the
23 Scheduling Order is modified so that Defendants shall file an Opposition(s) to the Motion for
24 Class Certification forty-five (45) days after the Court issues an order on Plaintiff’s Motion to
25 Withdraw and Substitute Lead Plaintiff and Plaintiff shall file a Reply in Support of the Motion
26 for Class Certification forty-five (45) days after Defendants file an Opposition(s) to the Motion
27 for Class Certification, leaving all other dates in the Scheduling Order unchanged. Nothing
28

1 herein is intended to modify the Parties' positions or rights with respect to motions currently
2 pending before the Court.

3 IT IS SO AGREED AND STIPULATED.

4 Dated: April 1, 2020

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15 *Gabriel Nacht, Zareh Sarrafian, Donald Snyder, Tom*
Thomas, and Bryan Wolf

1 Dated: April 1, 2020

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19 *Liaison Counsel for Lead Plaintiff*

20 Dated: April 1, 2020

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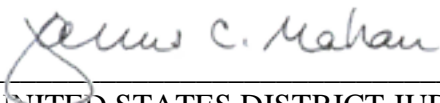
ORDER

Based on the foregoing and good cause appearing therefor,

IT IS HEREBY ORDERED that the Scheduling Order is modified so that Defendants shall file an Opposition(s) to the Motion for Class Certification forty-five (45) days after the Court issues an order on Plaintiff's Motion to Withdraw and Substitute Lead Plaintiff; and

IT IS FURTHER ORDERED that Plaintiff shall file a Reply in Support of the Motion for Class Certification forty-five (45) days after Defendants file an Opposition(s) to the Motion for Class Certification.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: April 15, 2020